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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of

MACHINA et al.

Serial No.: 10/648,847

Group Art Unit: 3641

Filed: August 26, 2003

Examiner:

For: METHOD AND APPARATUS FOR DISPLACING
MATERIAL AND PROJECTILE THEREOF

Certificate of Mailing

I hereby certify that this paper is being deposited with the
United States Postal Service as first class mail in an
envelope addressed to: Commissioner For Patents,
P.O. Box 1450, Alexandria, VA 22313-1450:

Date: 12/13/09
By: Marc A. Rossi
Marc A. Rossi

COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

PETITION TO REVIVE ABANDONED APPLICATION

Sir:

Applicants hereby petition to revive the above-identified application from abandonment under 37 C.F.R. 1.137(a), as the abandonment was unavoidable on the part of the applicants. In the event that the Commissioner determines the facts presented do not support the withdrawal of abandonment as being unavoidable, however, then applicants petition to revive based on 37 C.F.R. 1.137(b) as being unintentional.

The Commissioner is hereby authorized to charge the required petition fee to Deposit Account 18-2056 along with any additional fees that may be required to maintain the pendency of this application upon entry of this petition.

REMARKS

1. A Notice to File Missing Parts dated January 2, 2004 was received in the present application.
2. In response thereto, applicants filed a Response to Missing Parts with a four month petition for extension of time on July 2, 2004 by certificate of mailing. A copy of the Response to Missing Parts is enclosed.
3. In addition, attached to the Response to Missing Parts, applicants filed an Assignment Transmittal Letter. A copy of the Assignment Transmittal Letter is enclosed.
4. A Notice of Abandonment was subsequently issued on November 3, 2004 indicating a response to the Notice to File Missing Parts had not been received.
5. In response to the Notice of Abandonment, the undersigned conducted a search to determine if a stamped receipt postcard evidencing receipt of the Response to Missing Parts had been returned from the Patent Office. To date, a stamped receipt postcard has not been found.
6. The undersigned then checked his personal docket to determine if the Response to Missing Parts had been filed. The docket indicates the Response to Missing Parts was filed on July 2, 2004. A copy of the docket entry is enclosed as evidence of filing.
7. The undersigned has also conducted a search of accounting records to determine if the filing fee, extension fee or recordation fee had been charged to Deposit Account 18-2056. No charge of the Deposit Account records has been found.

8. In view of the lack of a stamped receipt postcard and evidence of a charge on the Deposit Account, it is believed the Response to Missing Parts was lost in the mail and not received by the Office. The belief that a problem occurred with the United States Postal Service is reinforced by the fact that another Response to Missing Parts filed concurrent with the present response, both of which were personally deposited in the mail by the undersigned attorney of record, was also not received by the Office.

9. Applicants submit that since applicants have no control of the operation of the United States Postal Service, the abandonment was unavoidable.

10. In the event that the Commissioner determines the fact situation does not warrant a finding of unavoidable abandonment, applicants request that the Commissioner entertain this petition as a petition based on unintentional abandonment.

11. Applicants submit that the entire delay in filing the required reply (i.e. the Notice of Appeal with extension) from the due date of the reply until the filing of a grantable petition was unintentional.

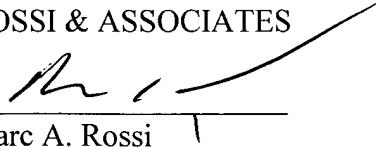
12. Upon grant of this petition, applicants request that the enclosed copy of the Assignment Transmittal Letter be forwarded to the Assignment Branch for recordation.

Any questions regarding this petition should be addressed to the undersigned attorney of record at 703-726-6020.

Respectfully submitted,

ROSSI & ASSOCIATES

12/13/04
Date


Marc A. Rossi

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/648,847	08/26/2003	Mark H. Machina	APTI:066

CONFIRMATION NO. 3853

**ABANDONMENT/TERMINATION
LETTER**



OC000000014271017

Date Mailed: 11/03/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/02/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

JULY

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FRIDAY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/648,847	08/26/2003	Mark H. Machina	APTI:066

ROSSI & ASSOCIATES
 P.O. Box 826
 Ashburn, VA 20146-0826

CONFIRMATION NO. 3853
 FORMALITIES LETTER

OC000000011597733

Date Mailed: 01/02/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/15/2004 CNGUYEN 00000071 10648847

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 DA
 02 FC:1051 130.00 DA

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$258** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

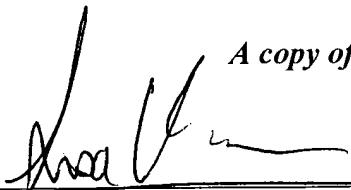
Total additional fee(s) required for this application is **\$1158** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$258**

■ \$258 for 3 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE